

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Rosenbauer
Application Number: 10/539,825
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Group Art Unit: 2875
Examiner: Sean P. Gramling
Title: HOUSEHOLD APPLIANCE, PARTICULARLY BUILT-IN
HOUSEHOLD APPLIANCE

Mail Stop Appeal Brief - Patents

Commissioner for Patents

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APPEAL BRIEF

Pursuant to 37 CFR 1.192, Appellant hereby files an appeal brief in the above-identified application. This Appeal Brief is accompanied by the requisite fee set forth in 37 CFR 1.17(f).

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 25, 26 and 28-50 are currently pending in the present application. Claims 1-24 and 27 have been canceled. Claims 25, 26 and 28-50 have been rejected and are on appeal.

(4) STATUS OF AMENDMENTS

No amendments have been filed after the Final Rejection dated August 12, 2009.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to a household appliance, especially a built-in household appliance including a front cover disposed in front of a front door and at least one optical status display device that is hidden in a built-in state of the household appliance and/or when the front door is closed. The appliance also includes at least one light guide for transmitting a signal light emitted by the optical status display device.

In a household appliance 1, a signal light 19 is emitted by an optical status display device 17 located on the front face 18 of a front door 4 and is transmitted by means of a light guide 20 to the front side 21 of the front cover 5. See page 7, lines 9-16. It is advantageous if the light guide 20 transmits the signal light 19 in the direction of the front side 21 of the front cover 5 and into a visible region 22 for the user 10. See page 7, lines 18-25.

The household appliance 1 includes a housing 23, front door 4, front cover 5 and base 6 as shown in Fig. 2. Various structures can be provided using a light guide to guide the signal light 19 into view. See page 7, line 26 - page 8, line 24. An alternative possibility is to

guide the signal light 19 into a handle 31. See page 8, lines 26-27. Another development includes a plurality of light guides 28, 30 to transmit the signal light 19 for varying operating states (e.g., on/off) so that the different operating states can be displayed by the signal light 19 at different positions. See page 8, line 32 - page 9, line 2. Light guides of different colors may also be used. See page 9, lines 4-7.

Fig. 3 shows an embodiment wherein the front door 4 of the appliance encompasses a control system 32 with an optical status display device 17, which for its part encompasses a light-emitting diode 33 that emits a signal light 19. At the position of the optical status display device 17, the front cover 5 has a through hole 34 as far as the front side 21 of the front cover 5. The hole 34 surrounds the light guide 20. The signal light 19 emitted by the light-emitting diode 33 can in this way be coupled directly into the light guide 20 and is guided by the light guide 20 to the front side 21 of the front cover 5 so that the signal light 19 is visible. See page 9, lines 16-32.

Fig. 6 shows an embodiment where a signal light 60 is emitted in the direction of the side edge 27 of the front door 4. A first part of the light guide 61 is arranged such that the signal light 60 can be transmitted from the optical status display device 17'' to the side edge 27 of the front door 4. Located at the side edge 27 of the front door 4 is a second part of the light guide 62 at right angles to the first part of the light guide 61. The second part comprises an oblique light-reflecting surface 63 so that the signal light 60 is reflected from this surface 63 in the direction of the front side 21 of the front cover 5. See page 12, lines 13-33.

Specific Support for Independent Claims

25. A household appliance comprising:

a front door having an upper edge, the front door being opened and closed to access an appliance interior space; [see p. 6, lines 17-25]

a front cover disposed in front of the front door; [see p. 7, lines 27-31]

at least one optical status display device mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed; and [see p. 7, lines 9-16, and p. 7, line 33 - p. 8, line 24]

at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover. [see p. 8, lines 12-15]

50. A household appliance comprising:

a front door having an upper edge, the front door being opened and closed to access an appliance interior space; [see p. 6, lines 17-25]

a front cover disposed in front of the front door; [see p. 7, lines 27-31]

at least one optical status display device mounted on said front door such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed; and [see p. 7, lines 9-16, and p. 7, line 33 – p. 8, line 24]

at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover, wherein the optical status display device emits a first signal light for at least a first appliance status and at least a second signal light, different from the first signal light, for at least a second appliance status. [see p. 8, lines 12-15, and p. 8, line 32 – p. 9, line 2]

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A) Whether claims 25, 26, 28, 29, 35, 36, 38-43 and 45-50 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Geyer (WO 2002/50804).
- B) Whether claims 30, 33, 34 and 37 are unpatentable under 35 U.S.C. §103(a) over Geyer.
- C) Whether claims 31 and 32 are unpatentable under 35 U.S.C. §103(a) over Geyer in view of Becke (U.S. Published Patent Application No. 2003/0209018).
- D) Whether claims 44 and 48 are unpatentable under 35 U.S.C. §103(a) over Geyer in view of Evertzberg (EP 1 151 717).

(7) ARGUMENT

A. *Claims 25, 26, 28, 29, 35, 36, 38-43 and 45-50 are not unpatentable under 35 U.S.C. § 102(b) as being anticipated by Geyer.*

Independent claim 25 defines a household appliance including a front door having an upper edge, and a front cover disposed in front of the front door. At least one optical status display device is mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed. At least one light guide transmits a signal light emitted by the optical status display device. The Office Action contends that Geyer discloses these features of the invention. Appellants respectfully disagree with this conclusion.

Geyer discloses an electrically operated household appliance and endeavors to fit the appliance with a trademark such that the trademark has a greater attention-drawing effect. Geyer also describes that the display function can be used to signal whether a power connector is connected to the appliance or for signaling a specific operating state by flashing the light source. In the Office Action, the Examiner contends that the hollow body 10 in which the components of the display are disposed anticipates the “door” of the invention defined in claim 25. To the contrary, nowhere does Geyer disclose that the appliance even includes a door or a front cover disposed in front of the door. Rather, Geyer merely describes that a “front part” 2 of the appliance includes an integrated porthole window 3. The parts of the display are disposed in a hollow body 10, which directs the light to the light source 9 by a reflecting inner surface to the light-entering areas 8. As described in the present specification, an object of the invention is to transmit light from the optical status display device in the direction of the front side of the front cover, which as noted and defined in claim 25 is disposed in front of the front door. Since the Geyer publication does not reference (1) an appliance with a door or (2) a cover disposed in front of a door or (3) a light guide that serves to transmit light in the direction of the front side of the cover, Appellants respectfully submit that this rejection is misplaced.

As further evidence of these distinctions, claim 25 recites that the front door is opened and closed to access an appliance interior space. Clearly the hollow body 10 of Geyer is not in any manner opened or closed to access an interior space of the appliance. In this context, the Examiner contends that the body 10 in Geyer “is a means for admittance of the light guide . . . thus is ‘a front door of the device.’” The front door defined in claim 25, however, is a door to the appliance, providing access to an interior space of the appliance. A “door” or “means for admittance” to the light guide does not anticipate the claimed appliance front door. The Examiner’s reference to extrinsic evidence (Advisory Action, www.dictionary.com) to support a convenient definition is improper. The Examiner’s definition is entirely inconsistent with the disclosure. It is well settled that claim terms should be interpreted in light of the specification.

In addition, the Examiner contends that reference to the front door being opened and closed to access an appliance interior space amounts to “a mere recitation of an intended use of the device,” and the Examiner disregards the language in the claim. According to the Federal Circuit, however, “the limitations which must be met by an anticipatory reference are those set forth in each statement of function . . . Such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept.” See, e.g., *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440 (Fed. Cir. 1984). In the present context, no portion of the light guide provides access to the appliance interior space. As such, Appellants submit that the rejection is misplaced.

Moreover, even assuming the noted language in claim 25 at least partially embodies “an intended use of the device,” the Examiner entirely disregards underlying structural features of the recitation. At a minimum, reference to a front door being opened and closed to access an appliance interior space defines an interior space of the appliance. Additional structure resides in the interior space being opened and closed by the claimed front door. It is this front door that opens and closes to access the interior space of the appliance in front of which the front cover of the appliance is disposed. Indeed, no part of the “front door” 10 in

Geyer is structurally openable or closeable, nor is the “front door” 10 opened and closed to access an appliance interior space. Appellants do not disagree that the Geyer appliance includes an interior space, but the light guide in Geyer is not disposed in cooperation with an appliance door or a front cover disposed in front of the appliance door. As such, the Geyer structure is not remotely faced with the same challenges with regard to an optical status display device that is hidden in a built-in state of the household appliance and/or hidden when the front door is closed. For these reasons also, Appellants submit that the rejection is misplaced.

The remaining rejected claims depend from claim 25, and Appellants submit that these claims are allowable for the same reasons and also because they recite additional patentable subject matter. For example, claim 29 recites that the front cover has a rear surface facing the front surface of the front door and a front surface in opposition to the rear surface, where the optical status display device is mounted on the front door. With reference to the discussion above, Appellants submit that since Geyer lacks any reference to a front door, it is clear that Geyer additionally lacks the claimed optical status display device that is mounted on the front door. Claim 45 recites that the optical status display device is operable to emit a signal light of a different color indicating a respective different operating state. Although Geyer references that the glass body 5 may be formed of individual bodies and include differently-colored individual illuminations, nowhere does Geyer disclose that the differently colored illuminations are indicative of respective different operating states. Still further, claim 46 recites that the appliance includes a plurality of light guides that transmit signal light pertaining to different operating states. As noted, nowhere does the Geyer publication reference multiple guides for transmitting signal lights pertaining to different operating states. Claim 47 defines related subject matter.

Independent claim 50 defines subject matter related to claim 25, and in addition to those features noted above with regard to claim 25, claim 50 recites that the optical status display device is mounted on the front door and that the optical status display device emits

different signal lights for respective different appliance statuses. At least these features of the invention are also lacking in the references of record

Reversal of the rejection is respectfully requested.

B. *Claims 30, 33, 34 and 37 are not unpatentable under 35 U.S.C. §103(a) over Geyer.*

Without conceding this rejection, Appellants submit that those of ordinary skill in the art would not be motivated to modify the Geyer structure to correct those deficiencies noted above with regard to claim 25. As such, Appellants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Reversal of the rejection is requested.

C. *Claims 31 and 32 are not unpatentable under 35 U.S.C. §103(a) over Geyer in view of Becke (U.S. Published Patent Application No. 2003/0209018).*

The Office Action recognizes that Geyer lacks the claimed handle mounted on the front cover, where the light guide is disposed relative to the handle such that the signal light emitted by the optical status display device is visible in the handle. The Office Action contends, however, that “handles on appliances with light guides to display status information are well-known in the art,” with reference to Becke Figs. 1-4. Appellants respectfully submit, however, that since the Geyer publication does not dispose its display in relation to a front door of the appliance, those of ordinary skill in the art would not have been led to attach a handle in the manner suggested in the Office Action. Indeed, it should be clear to those of ordinary skill in the art that a handle secured to the front part 2 of the illustrated washing machine in Geyer would have no purpose. Additionally, Appellants submit that the Becke patent does not correct the deficiencies noted above with regard to claim 25, and claims 31 and 32 are also allowable for the same reasons. Reversal of the rejection is requested.

D. *Claims 44 and 48 are not unpatentable under 35 U.S.C. §103(a) over Geyer in view of Evertzberg (EP 1 151 717).*

Without conceding this rejection, Appellants submit that the Evertzberg publication does not correct the deficiencies noted above with regard to Geyer. As such, Appellants

submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Reversal of the rejection is requested.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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CLAIMS APPENDIX

1-24. (Cancelled)

25. (Rejected) A household appliance comprising:

a front door having an upper edge, the front door being opened and closed to access an appliance interior space;

a front cover disposed in front of the front door;

at least one optical status display device mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed; and

at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover.

26. (Rejected) The household appliance according to claim 25, wherein the signal light is guided by the light guide to an area of the household appliance that is visible to a user so that the operating status of the household appliance can be checked even when the front door is closed.

27. (Cancelled)

28. (Rejected) The household appliance according to claim 25, wherein the front door has a front surface, the front cover is disposed in front of the front surface of the front door, and the optical status display device is mounted at the front surface of the front door.

29. (Rejected) The household appliance according to claim 28, wherein the front cover has a rear surface facing the front surface of the front door and a front surface in opposition to the rear surface, the optical status display device is mounted on the front door, the front cover has at least one through hole extending as far as the front side of the front cover, and the one through hole surrounds the light guide.

30. (Rejected) The household appliance according to claim 29, wherein the through hole is substantially cylindrical.

31. (Rejected) The household appliance according to claim 29 further comprising a handle mounted on the front cover, wherein the light guide is disposed relative to the handle such that the signal light emitted by the optical status display device is visible in the handle.

32. (Rejected) The household appliance according to claim 31, wherein the handle is a light guide.

33. (Rejected) The household appliance according to claim 25, wherein the front door has a side edge and a lower edge and the optical status display device is mounted at a selected one of the side edge and the lower edge of the front door.

34. (Rejected) The household appliance according to claim 33, wherein the light guide is a displaceable light guide.

35. (Rejected) The household appliance according to claim 25, wherein the front door has a side edge and a lower edge and the optical status display device is located at a spacing from the upper edge, the side edge, and the lower edge of the front door.

36. (Rejected) The household appliance according to claim 35, wherein the front cover has a rear surface facing the front surface of the front door and a front surface in opposition to the rear surface, a first part of the light guide is arranged such that the signal light is transmitted from the optical status display device to one of the upper edge, the side edge, and the lower edge of the front door, and a second part of the light guide is arranged such that the signal light is transmitted at least as far as the front side of the front cover.

37. (Rejected) The household appliance according to claim 36, wherein the second part of the light guide is displaceable with respect to the first part of the light guide.

38. (Rejected) The household appliance according to claim 25 and further comprising a housing, the optical status display device being mounted in the housing.

39. (Rejected) The household appliance according to claim 25, wherein the light guide guides the signal light along a light guiding path and the light guiding path is adaptable to extend through the respective thickness of the front cover.

40. (Rejected) The household appliance according to claim 25, wherein the light guide is mounted flush to the optical status display device.

41. (Rejected) The household appliance according to claim 25, wherein the light guide comprises at least one glass fiber.

42. (Rejected) The household appliance according to claim 25, wherein the light guide comprises at least one plastic fiber.

43. (Rejected) The household appliance according to claim 25, wherein the optical status display device is operable to provide a signal indicating at least the operating states (ON, OFF) of the respective switched-on and switched-off states of the household appliance.

44. (Rejected) The household appliance according to claim 25, wherein the optical status display device comprises at least one light-emitting diode.

45. (Rejected) The household appliance according to claim 25, wherein the optical status display device is operable to emit a signal light of a different color indicating a respective different operating state.

46. (Rejected) The household appliance according to claim 25 and further comprising a plurality of light guides to transmit signal light pertaining to different operating states.

47. (Rejected) The household appliance according to claim 46, wherein the light guides are comprised of different colors to display different operating states.

48. (Rejected) The household appliance according to claim 25, wherein the household appliance is a selected one of a dishwasher and a refrigerator.

49. (Rejected) The household appliance according to claim 25, wherein the optical status display device is located at the spacing from the upper edge of the front door such that the optical display device is within a visible region of a field of view of a user standing in front of the household appliance.

50. (Rejected) A household appliance comprising:

a front door having an upper edge, the front door being opened and closed to access an appliance interior space;

a front cover disposed in front of the front door;

at least one optical status display device mounted on said front door such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed; and

at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover, wherein the optical status display device emits a first signal light for at least a first appliance status and at least a second signal light, different from the first signal light, for at least a second appliance status.

EVIDENCE APPENDIX

None

RELATED APPEALS APPENDIX

None